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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,985	02/20/2002	Nitzan Arazi	2098/11	7971

7590 04/10/2006  
DR. MARK FRIEDMAN LTD.  
c/o Bill Polkinghorn  
Discovery Dispatch  
9003 Florin Way  
Upper Marlboro, MD 20772

EXAMINER

ZEWDU, MELESS NMN

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/077,985	<b>Applicant(s)</b> ARAZI ET AL.	
	<b>Examiner</b> Meless N. Zewdu	<b>Art Unit</b> 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 4-12, 24-26, 28-34, 1421 and 3642 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-6, 10, 12, 14, 15, 19, 21, 24-26, 28, 29, 33, 36, 37 and 41 is/are rejected.
- 7) ☐ Claim(s) 7-9, 11, 16-18, 20, 30-32, 34, 38-40 and 42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the communication filed on 2/8/06.
2. Claims 1-3, 13, 22-23, 27 and 35 have been cancelled in the instant amendment.
3. Claims 4-12, 14-21, 24-26, 28-34 and 36-42 are pending in this action.
4. Indicated allowability of the claims has been withdrawn due to discovery of new references issued to Arazi et al. (US 2001/0041594 A1, 2004/0009749 A1), Weaver, Jr. et al. (5,594,718) and Martini et al. (US 6,675,015 B1).

### ***Claim Objections***

Claim 10 is objected to because of the following informalities: in the preamble, it is not clear how, the feature, "a base station" is different from "at least one base station". The claim can be improved by inserting the word 'other' next to the phrase "at least one", so that it reads as -- at least one other base station --. Appropriate correction is required.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct

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from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 4-21, 24-26, 28-34 and 36-42 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 36-45 of copending Application No. 2001/0041594 A1. Although the conflicting claims are not identical, they are not patentably distinct from each other because the difference between the indicated claims is that the claims in the instant application are broader than the claims in the copending application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 4-21, 24-26, 28-34 and 36-42 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 36-45 of copending Application No. 2004/0009749 A1. Although the conflicting claims are not identical, they are not patentably distinct from each other because the difference between the indicated claims is that the claims in the instant application are broader than the claims in the copending application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 19, 33 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over weaver, Jr. et al. (Weaver) (US 5,594,718) in view of Martini et al. (Martini) (US 6,675,015 B1) and further in view of Foladare et al. (Foladare) (US 6,134,454).

**As per claim 10:** Farwell discloses, in a wireless communication system comprising a base station connected with a mobile unit (see fig. 1, elements 10 and 20), a method of detecting a mobile unit by at least one base station which is waiting for the mobile unit to enter its coverage area (see col. 3, lines 31-39), comprising:

from the at least one base station waiting for the mobile unit to enter its coverage area, sending at least one PING command (beacon signal) to the mobile unit; and receiving at least one ECHO reply from the mobile unit (abstract; col. 3, lines 31-34; col. 9, lines 4-14). But, Weaver does not explicitly teach about transferring to the at least one base station waiting for the mobile unit to enter its coverage area timing

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information identifying a time interval, as claimed by applicant. However, in a related field of endeavor, Martini teaches about a handover technique wherein a base station collects information, including timing information, and transmits the collected information to a mobile station in its coverage area (see col. 3, lines 39-47; col. 6, lines 14-38).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the above references with the teaching of Martini for the advantage of enabling a mobile station to become pre-synchronized to a target base station (see col. 6, lines 20-23). But, the above references do not explicitly teach about wireless communication system and method wherein the mobile unit is a device selected from the group consisting of: telephone handset, standard cordless telephone handset, cellular telephone handset, personal data device, PDA, computer, laptop computer, e-mail server, a device utilizing point-to-point protocol (PPP) to the internet via a central remote access server, a headset, a personal server, a wearable computer, a wireless camera and a mobile music player, as claimed by applicant. However, Foladare teaches that communications systems in today's mobile society involve numerous communication devices, including telephones, cellular phones, pagers, personal computers, laptop computers, facsimiles machines PDAs, modems (see col. 1, lines 13-65; col. 2, lines 43-60; claim 13). The Foladare's reference is providing a teaching about the use of several and different types of devices for personal communication use based on convenience. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to further modify the above references with the teaching of Foladare for the advantage of transferring

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information within communications system using one or more communication devices (see col. 1, lines 8-11).

**As per claim 4:** Martini teaches a method, wherein said time interval comprises a time interval that the base station connected with the mobile unit has yielded (see col. 6, lines 14-39).

**As per claim 5:** Weaver teaches a method further comprising:

at each base station receiving the ECHO (beacon) response (abstract; col. 3, lines 31-34; col. 9, lines 4-14), measuring the quality of the ECHO response and reporting the quality measurements to a switching connected to the base stations reads on '015 (see col. 2, lines 30-43). A base station is know to measure strength of a signal received from a mobile station.

**As per claim 6:** the feature of claim 6 is similar to the feature of claim 5, except the measuring parameters, which are well known in the art. Hence, claim 6 is rejected on the same ground and motivation as claim 5.

**As per claim 25:** Weaver teaches a method, wherein sending said at least one PING (PILOT) command comprises periodically sending a plurality of said PING (PILOT) commands to the mobile unit (see col. 3, lines 31-39). It should be obvious that the neighboring base stations transmit the pilot signal periodically, without which non of them would be able to detecting the mobile station approaching a given coverage area.

**As per claim 19:** the features of claim 19 are similar to the features of claim 10. Hence, claim 19 is rejected on the same ground and motivation as claim 10.

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**As per claim 14:** the feature of claim 14 is similar to the feature of claim 5. Hence, claim 14 is rejected on the same ground as claim 5.

**As per claim 15:** the features of claim are similar to the features of claims 5 and 6. Hence, claim 15 is rejected on the same ground and motivation as claims 5 and 6.

**As per claim 24:** a method, wherein the at least one base station waiting for the mobile unit to enter its coverage area starts to monitor said ECHO reply when initial connection of the mobile unit to any of the base stations is created (see col. 2, lines 31-39).

**As per claim 26:** the feature of claim 26 is similar to the feature of claim 25. Hence, claim 26 is rejected on the same ground and motivation as claim 25.

Claims 12 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over references applied to claims 10 and 19 above and in view of Lu et al. (Lu) (US 6,212,395 B1).

**As per claim 12:** but, the above references do not explicitly teach about a wireless communication system that comprises a wireless private branch exchange (WPBX) handling calls from mobile units comprising handsets, as claimed by applicant.

However, in a related field of endeavor, Lu teaches a wireless communication system comprising wireless/cellular private branch exchange (WPBX) (see abstract; figs 5A, 12; col. 2, line 58-col. 3, line 46; col. 9, lines 36-67). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of the above references with that of Lu for the advantage of providing mobility management for the first plurality of/(cordless) mobile stations (see col. 3, lines 13-22).



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**As per claim 21:** the feature of claim 21 is similar to the feature of claim 12. Hence, claim 21 is rejected on the same ground and motivation as claim 12.

**As per claim 33:** the features of claim 33 are similar to the features of claim 10. Hence, claim 33 is rejected on the same ground and motivation as claim 10.

**As per claim 28:** the feature of claim 28 is similar to the feature of claim 5. Hence, claim 28 is rejected on the same ground and motivation as claim 5.

**As per claim 29:** the feature of claim 29 is similar to the feature of claim 6. Hence, claim 29 is rejected on the same ground and motivation/reasoning as claim 6.

**As per claim 41:** the features of claim 41 are similar to the features of claim 10. Hence, claim 41 is rejected on the same ground and motivation as claim 10.

**As per claim 36:** the feature of claim 36 is similar to the feature of claim 5. Hence, claim 36 is rejected on the same ground and motivation as claim 5.

**As per claim 37:** the feature of claim 37 is similar to the feature of claim 6. Hence, claim 37 is rejected on the same ground and motivation/reasoning as claim 6.

### ***Response to Arguments***

Applicant's arguments with respect to claims 4-6, 10, 12, 14,15, 19, 21, 24-26, 28, 29, 33, 36, 37 and 41 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N. Zewdu whose telephone number is (571) 272-7873. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Banks-Harold, Marsha can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Meless zewdu

 3/31/06

Examiner

31 March 2006.